

Appn. No. 10/808,080  
Amendment dated March 15, 2005  
Reply to Office Action mailed December 16, 2004

REMARKS

Reconsideration is respectfully requested.

Claims 1 through 10 remain in this application. No claims have been cancelled or withdrawn. Claims 11 through 13 have been added.

Paragraph 1 of the Office Action

Claims 1 and 10 have been objected to for the informalities noted in the Office Action.

Claims 1 and 10 have been amended in a manner believed to clarify any informalities in the language.

Withdrawal of the objection to claims 1 and 10 is therefore respectfully requested.

Paragraphs 2 and 3 of the Office Action

Claims 1 through 10 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. 2,270,753 to Fikes in view of U.S. 1,660,341 to Lapworth.

Claim 1, particularly as amended, requires "wherein said plurality of exhaust apertures are positioned on an opposite side of said flagpole from a mounting location of said blower assembly on said base member".

The rejection of all of the claims in the Office Action states, in part, that:

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the base member, taught by Fikes, to place the blower separate to and attached to a perimeter face and side thereof, as suggested by Lapworth and also by Fikes via the embodiment of figure 1, and opposite the flag, the eyehooks, the clip members and the exhaust apertures, as taught by Lapworth, in order to produce a smaller and lighter overall assembly that will allow the flag to blow in the intended direction while offsetting the imbalance created by a blowing flag.

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However, in contrast to the statement in the Office Action that the allegedly obvious combination of Fikes and Lapworth would "produce a smaller and lighter overall assembly that will allow the flag to blow in the intended direction while offsetting the imbalance created by a blowing flag", it is submitted that the proposed modification of Fikes would clearly lead to a bulkier and heavier structure. In order to support the weight of the flag pole, as well as to counter the moment of force applied to the flag pole by the weight of the flag as well as wind blowing against the flag pole, the extension 14 of the blower casing 9 has to be much stronger, and thus much heavier, than it would be if the extension did not have to support the flag pole. Further, since the blower casing 9 of Lapworth is still mounted on a base 12 that is sufficiently heavy and strong to support the flag pole, the base has not been eliminated. Therefore, it is submitted that one of ordinary skill in the art would find it much more likely that the modification of Fikes proposed in the Office Action would increase the overall weight (and likely the bulk) of the Fikes structure, since additional elements of the structure would need to be strengthened to support the weight of the flag pole.

Additionally, the Office Action must provide specific, objective evidence of record for a finding of a suggestion or motivation to combine reference teachings and must explain the reasoning by which the evidence is deemed to support such a finding. In re Sang Su Lee, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002). The Office Action states that the motivation to combine Lapworth with Fikes is "to produce a smaller and lighter overall assembly that will allow the flag to blow in the intended direction while offsetting the imbalance created by a blowing flag". It is respectfully submitted that given the actual teachings of the references, the cited motivation to combine is not found in the references themselves. The cited references do not state that their purpose or benefit is "to produce a

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smaller and lighter overall assembly that will allow the flag to blow in the intended direction while offsetting the imbalance created by a blowing flag". It is respectfully submitted that the quoted statement from the Office Action is merely a conclusory statement of belief and not specific objective evidence of a motivation to combine.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Fikes and Lapworth set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 1 and 10. Further, claims 2 through 9, which depend from claim XXX, also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Withdrawal of the §103(a) rejection of claims 1 through 10 is therefore respectfully requested.

**Added Claims**

Added claim 11 requires that "said bottom face of said base member is located at a lowermost position on said flag pole assembly such that said flag pole assembly rests on said bottom face". This feature of the invention, shown particularly clearly in Figure 2, is significant in that, while the blower assembly is mounted on the base assembly, the base member (and the flagpole) do not rely upon said blower assembly to support said flag pole. This is in contrast to the Lapworth system, in which the housing of the blower must be heavy and strong enough to support the entire weight of the flag pole, as well as counter the force moment applied to the flag pole by the wind and the weight of the flag.

Added claim 12 requires that "said blower assembly is positioned laterally outward from said base member and is rigidly connected to the base member in a manner such that said blower assembly rests on a ground

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surface when said base member rests on the ground surface", which is also evident from Figure 2 (as well as Figure 1) of the drawings. This feature of the invention provides the structure with a broader base of support on the ground surface than the base member alone or the blower assembly alone, without significantly increasing the bulk of the invention.

Added claim 13 requires, in part, that "said blower assembly has an interior with an outlet, the outlet of said blower assembly connected to a portion of said perimeter face of said base member such that said blower assembly blows air into said base member through said perimeter face". This feature of the invention, shown in Figure 2 of the drawings, is submitted to

### CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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By \_\_\_\_\_

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